



PATENT
ATTORNEY DOCKET NO. HIRA1140

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Mukouyama et al. Art Unit: 1651
Parent Application No.: 09/408,142 Examiner: I. Marx
Parent Filing Date: September 29, 1999
Title: METHODS FOR PRODUCING L-ASPARTIC ACID

RECEIVED

JAN 23 2002

TECH CENTER 1600/2900

Box Filing Date
Commissioner for Patents
Washington, D.C. 20231

PETITION FOR CONSIDERATION

Sir:

Applicant resubmits this CPA Request with the related documents and respectfully requests the Commissioner to consider the deposit date of November 19, 2001 as the actual date of submission. Applicant was unable to file the enclosed documents on November 19, 2001 due to an interruption or an emergency by the United States Postal Service.

Applicant submitted the CPA Request on Monday November 19, 2001 to the U.S. Postal Office in San Diego, California and was denied shipment by the postal employees since it was addressed to the postal code 20231. Further, there was no notice on the United States Patent and Trademark Office's website informing Applicant that express mail with the postal zip code of 20231 would be returned. Additionally, it is our understanding the USPTO was not informed by the Postal Service that they would return express mail with the postal zip code of 20231. Finally, Applicant did not have a forwarding address to mail the CPA Request after the documents were

CERTIFICATION UNDER 37 CFR § 1.8

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date November 20, 2001, in an envelope addressed to: Box Filing Date, Commissioner for Patents, Washington, D.C. 20231

JASON BERRY
(Name of person mailing paper)

Signature Jason Berry

In re Application of
Mukouyama, et al.
Application No.: 09/408,142
Filed: September 29, 1999
Page 2

PATENT
Attorney Docket No.: HIRA1140

returned from the Postal Office on November 19, 2001. Applicant only became aware of the emergency filing address on November 20, 2001.

Applicant does not believe any fee is due in connection with this submission and requests the Commissioner to reconsider the filing date of November 19, 2001 as timely filed based on the facts stated herein.

If additional fees are due associated with the filing submitted herewith, deduct any payment or credit any overpayment to Deposit Account No. 50-1355.

Respectfully submitted,

Date: 11/20/01



Lisa A. Haile, Ph.D.

Reg. No. 38,347

Telephone: (858) 677-1456

Facsimile: (858) 677-1465

GRAY CARY WARE & FREIDENRICH LLP
4365 Executive Drive, Suite 1100
San Diego, California 92121-2133